

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THE COMMUNITY ACTION ORGANIZATION OF
WESTERN NEW YORK, INC., *as CAO Plan Sponsor*
for the Pension Plan of the Community Action
Organization of Erie County, Inc., and THE AUDIT,
FINANCE, AND PENSION COMMITTEE OF THE
COMMUNITY ACTION ORGANIZATION OF
WESTERN NEW YORK, INC., *as CAO Plan*
Administrator for the Pension Plan of the Community
Action Organization of Erie County, Inc.,

Plaintiffs,

v.

Civil No. 1:21-cv- 00490

JOANN RUSS and *her successors, assigns, and heirs*,
ACTUARIAL CONSULTING SERVICES, INC., THE
BURKE GROUP OF ROCHESTER, INC., NYSARC,
INC. ERIE COUNTY CHAPTER d/b/a THE ARC
ERIE COUNTY NEW YORK, THE 403(B) THRIFT
PLAN OF NYSARC, INC. ERIE COUNTY
CHAPTER d/b/a THE ARC ERIE COUNTY NEW
YORK, and MUTUAL OF AMERICA LIFE
INSURANCE COMPANY,

Defendants.

STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), it hereby is stipulated and agreed, by and between the undersigned, the attorneys of record for all Parties in the above-entitled action, this action is dismissed, with prejudice and on the merits, without costs or fees to either Plaintiffs or Defendants or against the other.

Dated: October 4, 2021

HODGSON RUSS LLP

Attorneys for Plaintiffs

By /s/ James J. Zawodzinski, Jr.

Adam W. Perry

James J. Zawodzinski, Jr.

The Guaranty Building

140 Pearl Street, Suite 100

Buffalo, New York 14202-4040

Telephone: (716) 856-4000

aperry@hodgsonruss.com

jzawodzi@hodgsonruss.com

LIPPES MATHIAS WEXLER

FRIEDMAN LLP

Attorneys for Defendant, Actuarial Consulting Services, Inc.

By /s/ Thomas J. Gaffney

Thomas J. Gaffney

50 Fountain Plaza, Suite 1700

Buffalo, New York 14202

Telephone: (716) 853-5100

tgaffney@lippes.com

ATTEA & ATTEA, P.C.

Attorneys for Defendants, NYSARC, Inc. Erie County Chapter d/b/a The Arc Erie County New York and The 403(b) Thrift Plan of NYSARC, Inc. Erie County Chapter d/b/a The Arc Erie County New York

By /s/ Ryan F. McCann

Ryan F. McCann

11 Main Street

Hamburg, New York 14075

Telephone: (716) 648-7000

rmccann@attealaw.com

RUPP, BAASE, PFALZGRAF,

CUNNINGHAM LLC

Attorneys for Defendant, JoAnn Russ, and her successors, assigns and heirs

By /s/ Matthew D. Miller

Matthew D. Miller

424 Main Street, Suite 1600

Buffalo, New York 14202

Telephone: (716) 854-3400

miller@ruppbasse.com

HARTER SECREST & EMERY LLP

Attorneys for Defendant, The Burke Group of Rochester, Inc.

By /s/ Jessica N. Clemente

Jessica N. Clemente

1600 Bausch & Lomb Place

Rochester, New York 14604

Telephone: (585) 232-6500

jclemente@hselaw.com

EPSTEIN BECKER & GREEN, P.C.

Attorneys for Defendant, Mutual of America Life Insurance Company

By /s/ Peter L. Altieri

Peter L. Altieri

875 Third Avenue

New York, New York 10022

Telephone: (212) 351-4500

paltieri@ebglaw.com